

P. 12720

SEE WR 91-01 dated January 10, 1991

ALSO SEE WR 91-03 dated April 1, 1991

05671d

**STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD**

DIVISION OF WATER RIGHTS

**In the Matter of Water Right Permits of the
U.S. BUREAU OF RECLAMATION AND THE
CALIFORNIA DEPARTMENT OF WATER RESOURCES,
Petitioners**

**ORDER APPROVING RENEWAL OF TEMPORARY CHANGE OF
EFFECTIVE DATE OF SUISUN MARSH CHANNEL SALINITY OBJECTIVES**

**PERMIT 12720 ET AL. (APPLICATIONS 5625, 5626, 5627, 5628, 5629, 5630, 9363, 9364,
9365, 9366, 9367, 9368, 13370, 13371, 13372, 14443, 14444, 14445A, 14662, 15374, 15375,
15376, 15764, 16767, 16768, 17374, 17512, 17514A, 18721, 18723, 21542, 21636, 21637,
AND 22316)**

1.0 INTRODUCTION

On August 19, 1999, the California Department of Water Resources (DWR) and the U. S. Bureau of Reclamation (USBR) jointly filed a petition requesting renewal of the April 30, 1999 order approving a Temporary Urgency Change of the effective date for water salinity standards at compliance stations on two western Suisun Marsh channels. This request constitutes a continuation of three previous orders that were issued April 30, 1999, August 14, 1998 and October 30, 1997.

On September 19, 1997, DWR and USBR jointly filed a petition for Temporary Urgency Change with the State Water Resources Control Board (SWRCB), pursuant to Water Code section 1435 et seq., requesting a delay in the date when their water right permits will require them to meet channel water salinity objectives at compliance stations S-35 (Goodyear Slough at Morrow Island Clubhouse) and S-97 (Cordelia Slough at Ibis Club). Board Member Jim Stubchaer approved the petition on October 30, 1997.

Temporary changes authorized under section 1435 et seq. expire 180 days after date of issuance, after which they may be renewed. Petitions to renew the October 30, 1997 order have been received. Orders renewing the request to delay the implementation of the Suisun Marsh Stations have been issued on August 14, 1998 and April 30, 1999. The most recent petition filed on August 19, 1999 was noticed on September 10, 1999.

I am delegated authority to approve this temporary urgency change, pursuant to Water Code section 1435(d) and SWRCB Resolution No. 99-31, section 3.2.22 (where no objections are outstanding).

2.0 SUBSTANCE OF THE PETITION

DWR and USBR are requesting that the SWRCB, under Water Code section 1435 et seq., temporarily relieve them of the obligation to meet channel water salinity objectives at two western Suisun Marsh stations, S-35 and S-97. Granting their petition would extend the effective date for meeting the salinity standards at these two stations. In the absence of this Order, the objectives for these two stations would become effective in fall 1999.

3.0 BACKGROUND

Under SWRCB Orders WR 95-6 and WR 98-9, the water rights held by the DWR and the USBR for operation of the State Water Project (SWP) and the Central Valley Project (CVP) require either compliance with salinity objectives for the Suisun Marsh or a demonstration of equivalent or better protection. The Suisun Marsh salinity objectives in Order 95-6 implement some parts of the May 1995 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (1995 Bay-Delta Plan). The objectives establish the maximum monthly average of electrical conductivity (EC) levels of both daily high tide EC values (mmhos/cm @ 25°C), for each month during the October through May period. Objectives are established for three locations in the eastern marsh and four locations in the western marsh (see Figure 1). The objectives for the eastern marsh and for stations S-21 and S-42 in the western marsh are currently in effect and are being met.

In July 1995 DWR, USBR, the Department of Fish and Game, and the Suisun Resource Conservation District began negotiating an update (Amendment Three) to the Suisun Marsh Preservation Agreement (SMPA). The parties have agreed that additional large-scale facilities are not needed for salinity control in the Marsh because the Suisun Marsh Salinity Control Gates (SMSCG) are effective in controlling the salinity in most areas of the Suisun Marsh. In lieu of new large-scale facilities, the parties have proposed a series of management actions which are consistent with the SMPA objectives of (1) improving water and habitat management throughout the marsh, (2) lowering diversion water salinity and soil water salinity on western Marsh managed wetlands and (3) providing funds to managed wetlands for more intensive management activities during prolonged drought conditions.

The parties are in the final phases of negotiating Amendment Three, and expect to execute it within the next several months. Amendment Three requires the parties to the SMPA to carry out a series of twelve management actions to improve water quality and habitat conditions within the managed wetlands of the Marsh. When Amendment Three is executed, the parties will seek SWRCB concurrence that the management actions required by Amendment Three will provide protection to the managed wetlands which is equivalent to or better than that provided by the numeric channel water salinity standards. Until Amendment Three is executed, DWR and USBR allege that they have an urgent need to be relieved temporarily from the requirement to meet the salinity objectives for stations S-35 and S-97.

In summary form, SMPA Amendment Three management actions include:

1. Meeting channel water salinity objectives in Order WR 95-6 for all stations except S-35 and S-97.
2. Conversion of S-35 and S-97 compliance stations to monitoring stations.
3. September operation of SMSCG.
4. A water manager program.
5. Update existing management plans.
6. A joint-use facilities program.
7. Managed wetland improvement fund.
8. Portable diversion pumps with fish screens.
9. Portable drainage pumps.
10. Realign and stabilize Roaring River distribution system turnouts.
11. Drought response fund.

In support of the petition, the DWR submitted a demonstration document that discusses in detail each of the above actions and explains how they would provide equivalent or better protection.

4.0 OBJECTIONS TO THE PETITION

The SWRCB received no objections to renewing the temporary change as proposed.

5.0 CRITERIA FOR APPROVING THE PROPOSED TEMPORARY CHANGE

Chapter 6.6 of Part 2, Division 2, of the Water Code, commencing at section 1435, provides that any permittee or licensee who has an urgent need to change a point of diversion, place of use, or purpose of use from that specified in the permit or license may petition for a conditional temporary change order. The SWRCB's regulation, at California Code of Regulations, Title 23, section 791(e), provides that the SWRCB shall follow as nearly as possible the procedures for changes in point of diversion, place of use, or purpose of use when processing petitions for other types of changes in water right permits and licenses. Accordingly, the procedures under section 1435 are applicable to changes to water right permits and licenses that the SWRCB approves pursuant to its duty of continuing supervision over the diversion and use of water.

The SWRCB must make the findings specified in section 1435(b) when issuing a temporary change order pursuant to Chapter 6.6. The required findings are:

1. The permittee or licensee has an urgent need to make the proposed change.
2. The proposed change may be made without injury to any other lawful user of water.
3. The proposed change may be made without unreasonable effect upon fish, wildlife, or other instream beneficial uses.
4. The proposed change is in the public interest, including findings to support change order conditions imposed to ensure that the change is in the public interest, and may be made

without injury to any other lawful user of the water, and without unreasonable effect upon fish, wildlife, and other instream beneficial uses.

5.1 Urgency of the Proposed Change

Under Chapter 6.6, an urgent need to make a proposed change exists when the SWRCB concludes that the proposed temporary change is necessary to further the constitutional policy that the water resources of the State be put to beneficial use to the fullest extent of which they are capable and that waste of water be prevented. An urgent need does not exist, however, if the petitioner has failed to exercise due diligence either in petitioning for a change pursuant to other provisions of Division 2 of the Water Code or in pursuing the petition for change.

The permittees have an urgent need for the proposed temporary change because without the change the requirement to meet the salinity standards at stations S-35 and S-97 will be in effect immediately, and the DWR and the USBR will be required to meet the salinity standards. Meeting the standards could require the devotion of substantial quantities of water to diluting salinity in the channels of the western Suisun Marsh, and would not provide an opportunity to test some of the management actions. The purpose of meeting the salinity standards in the channel is to achieve soil water salinity's that will support plants characteristic of a brackish marsh. DWR and USBR have provided information that indicates that the planned management actions using less water, and using the water more effectively, may achieve the same results as meeting the standards or will achieve better results, while minimizing the use of fresh water. DWR and USBR should be given the opportunity to put this program in place and make the argument that such a program provides benefits equivalent to providing in-channel salinity control.

Water quality which is equal or better than the numeric salinity standards was available during the winter of 1998-99 at all monitoring and compliance stations due to wet hydrologic conditions without any specific action on the part of DWR or the USBR.

5.2 No injury to Any Other Lawful User of Water

No water right holder has objected to the proposed temporary change, and based upon the information before me, I find that the proposed change will not cause injury to any lawful user of water. Impacts on instream beneficial uses, which may also be considered legal users of water to the extent that those uses are protected by the public trust or other legal doctrines, are discussed in section 5.3.

DWR and USBR will be able to implement some management measures under the authority of the existing SMPA without completing their environmental documentation. The management measures that the permittees intend to implement during the period of the temporary change can be expected to improve the soil salinity conditions, compared with previous conditions, by making better use of the channel water. This should be beneficial to water right holders. The western Suisun Marsh standards at S-35 and S-97 have never been met through specific water project operations. An additional six-month delay in implementing these objectives developed to protect wildlife resources may or may not provide the expected benefits, but will not cause new injury to other lawful users of water.

5.3 No Unreasonable Effect Upon Fish, Wildlife, or Other Instream Beneficial Uses

The salinity objectives for which the compliance requirement will be temporarily lifted are not established for the protection of fish or other instream beneficial uses, but rather are intended to protect wildlife that use the plants grown in a brackish marsh habitat as a food reserve. Therefore, extending the date for meeting the salinity objectives will not unreasonably affect a use of water by fish.

Further, SMSCG operation and its effects on Chinook salmon are not involved in the proposed temporary change. The proposed change will have no effect on the operation of the gates. DWR has conducted field testing that shows the SMSCG operation has little or no effect on the far western compliance stations. If the DWR and USBR were to attempt compliance through more aggressive SMSCG operation, the impact on migratory fish could be increased.

The proposed change is temporary, and the objectives have not been implemented in the past. In addition, management measures being implemented under the proposal should improve soil salinity conditions in the managed marsh. Therefore, with respect to potential impacts on instream beneficial uses other than fish, I find that the change will not have an unreasonable effect on aquatic vegetation or wildlife dependent on that vegetation.

5.4 The Proposed Change is in the Public Interest

DWR and USBR are close to executing Amendment Three of the SMPA. DWR and USBR intend that Amendment Three will establish protection for the beneficial uses in the Suisun Marsh that will be equivalent to, or better than, the protection that would be achieved by meeting the in-channel salinity objectives in the 1995 Bay-Delta Plan at stations S-35 and S-97. DWR and USBR, however, need additional time to complete environmental and endangered species requirements before seeking the SWRCB's concurrence in the implementation of Amendment Three. Requiring DWR and USBR to meet the salinity objectives at the two stations at this time could require the dedication of a substantial additional amount of fresh water. Allowing them to conduct the management actions during the term of the temporary change instead of meeting the salinity standards in the channels will make the most reasonable use of the water supply.

6.0 ENVIRONMENTAL COMPLIANCE

The proposed change is exempt from the California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.) in accordance with Title 14, California Code of Regulations section 15061(b)(3). CEQA applies to those projects, which have a potential for causing a significant impact to the environment. If it can be foreseen with certainty that there is no possibility that an activity will have a significant impact on the environment, then the activity is not subject to CEQA. Channel water salinity standards for the western Suisun Marsh compliance stations S-35 and S-97 have never been in effect. A temporary extension of the effective compliance date creates an environmental condition, which is indistinguishable from the pre-project or base condition. Therefore, approval of the proposed petition can cause no change to the environment and is exempt from CEQA.

7.0 CONCLUSIONS

1. DWR and USBR have an urgent need to make the proposed temporary change.
2. The proposed temporary change may be made without injury to any other lawful user of water.
3. The proposed temporary change may be made without unreasonable effect upon fish, wildlife, and other instream beneficial uses of water.
4. The proposed temporary change is in the public interest.

ORDER

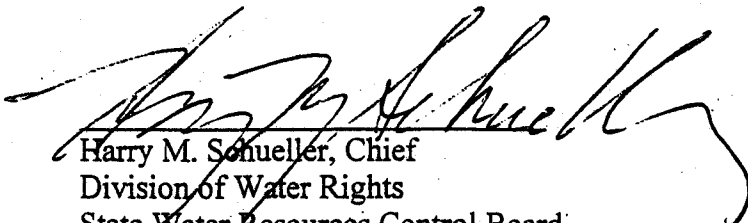
NOW, THEREFORE, IT IS ORDERED THAT:

DWR's and USBR's petition for temporary urgency change of their permits, listed in Attachment 1, under Water Code section 1435 et seq. is approved, temporarily removing the requirements that DWR and USBR meet the channel water salinity objectives at compliance stations S-35 (Goodyear Slough at Morrow Island Clubhouse) and S-97 (Cordelia Slough at Ibis Club), subject to the following terms and conditions.

1. All current terms and conditions of the permits, licenses, and orders issued under Application 5625 and other applications listed in Attachment 1 and related to SWP and CVP operations in the Delta shall remain in effect, except as temporarily modified by the terms and conditions of this Order and any further related Order that may be issued during the effective period of the temporary changes.
2. The temporary change in the requirement to meet the salinity objectives will be effective for a period of 180 days commencing on October 27, 1999, and may be renewed for additional periods not to exceed 180 day from the date of renewal.
3. Not later than May 1, 2000, DWR and USBR shall provide a summary of the results of implementing management measures during the temporary change to the Chief of the Division of Water Rights and to any parties requesting a copy of the summary.
4. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this temporary change Order, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

5. I reserve jurisdiction to supervise the transfer, exchange, and use of water under this Order and to coordinate or modify terms and conditions for the protection of vested rights; fish, and wildlife, instream beneficial uses; and the public interest as future conditions may warrant.

Dated: **NOV 2 1999**



Harry M. Schueller, Chief
Division of Water Rights
State Water Resources Control Board

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CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD**

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The SWRCB must make the findings specified in section 1435(b) when issuing a temporary change order pursuant to Chapter 6.6. The required findings are:

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The permittees have an urgent need for the proposed temporary change because without the change the requirement to meet the salinity standards at stations S-35 and S-97 will be in effect immediately, and the DWR and the USBR will be required to meet the salinity standards. Meeting the standards could require the devotion of substantial quantities of water to diluting salinity in the channels of the western Suisun Marsh, and would not provide an opportunity to test some of the management actions. The purpose of meeting the salinity standards in the channel is to achieve soil water salinity's that will support plants characteristic of a brackish marsh. DWR and USBR have provided information that indicates that the planned management actions using less water, and using the water more effectively, may achieve the same results as meeting the standards or will achieve better results, while minimizing the use of fresh water. DWR and USBR should be given the opportunity to put this program in place and make the argument that such a program provides benefits equivalent to providing in-channel salinity control.

Water quality which is equal or better than the numeric salinity standards was available during the winter of 1998-99 at all monitoring and compliance stations due to wet hydrologic conditions without any specific action on the part of DWR or the USBR.

5.2 No injury to Any Other Lawful User of Water

No water right holder has objected to the proposed temporary change, and based upon the information before me, I find that the proposed change will not cause injury to any lawful user of water. Impacts on instream beneficial uses, which may also be considered legal users of water to the extent that those uses are protected by the public trust or other legal doctrines, are discussed in section 5.3.

DWR and USBR will be able to implement some management measures under the authority of the existing SMPA without completing their environmental documentation. The management measures that the permittees intend to implement during the period of the temporary change can be expected to improve the soil salinity conditions, compared with previous conditions, by making better use of the channel water. This should be beneficial to water right holders. The western Suisun Marsh standards at S-35 and S-97 have never been met through specific water project operations. An additional six-month delay in implementing these objectives developed to protect wildlife resources may or may not provide the expected benefits, but will not cause new injury to other lawful users of water.

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The proposed change is temporary, and the objectives have not been implemented in the past. In addition, management measures being implemented under the proposal should improve soil salinity conditions in the managed marsh. Therefore, with respect to potential impacts on instream beneficial uses other than fish, I find that the change will not have an unreasonable effect on aquatic vegetation or wildlife dependent on that vegetation.

5.4 The Proposed Change is in the Public Interest

DWR and USBR are close to executing Amendment Three of the SMPA. DWR and USBR intend that Amendment Three will establish protection for the beneficial uses in the Suisun Marsh that will be equivalent to, or better than, the protection that would be achieved by meeting the in-channel salinity objectives in the 1995 Bay-Delta Plan at stations S-35 and S-97. DWR and USBR, however, need additional time to complete environmental and endangered species requirements before seeking the SWRCB's concurrence in the implementation of Amendment Three. Requiring DWR and USBR to meet the salinity objectives at the two stations at this time could require the dedication of a substantial additional amount of fresh water. Allowing them to conduct the management actions during the term of the temporary change instead of meeting the salinity standards in the channels will make the most reasonable use of the water supply.

6.0 ENVIRONMENTAL COMPLIANCE

The proposed change is exempt from the California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.) in accordance with Title 14, California Code of Regulations section 15061(b)(3). CEQA applies to those projects, which have a potential for causing a significant impact to the environment. If it can be foreseen with certainty that there is no possibility that an activity will have a significant impact on the environment, then the activity is not subject to CEQA. Channel water salinity standards for the western Suisun Marsh compliance stations S-35 and S-97 have never been in effect. A temporary extension of the effective compliance date creates an environmental condition, which is indistinguishable from the pre-project or base condition. Therefore, approval of the proposed petition can cause no change to the environment and is exempt from CEQA.

7.0 CONCLUSIONS

1. DWR and USBR have an urgent need to make the proposed temporary change.
2. The proposed temporary change may be made without injury to any other lawful user of water.
3. The proposed temporary change may be made without unreasonable effect upon fish, wildlife, and other instream beneficial uses of water.
4. The proposed temporary change is in the public interest.

ORDER

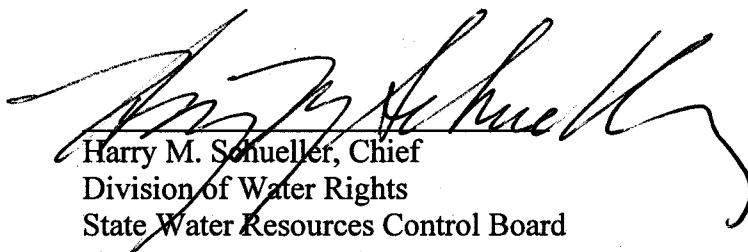
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1. All current terms and conditions of the permits, licenses, and orders issued under Application 5625 and other applications listed in Attachment 1 and related to SWP and CVP operations in the Delta shall remain in effect, except as temporarily modified by the terms and conditions of this Order and any further related Order that may be issued during the effective period of the temporary changes.
2. The temporary change in the requirement to meet the salinity objectives will be effective for a period of 180 days commencing on October 27, 1999, and may be renewed for additional periods not to exceed 180 day from the date of renewal.
3. Not later than May 1, 2000, DWR and USBR shall provide a summary of the results of implementing management measures during the temporary change to the Chief of the Division of Water Rights and to any parties requesting a copy of the summary.
4. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this temporary change Order, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

5. I reserve jurisdiction to supervise the transfer, exchange, and use of water under this Order and to coordinate or modify terms and conditions for the protection of vested rights; fish, and wildlife, instream beneficial uses; and the public interest as future conditions may warrant.

Dated: **NOV 2 1999**



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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

Application 5625 et al Permit 12720 et al License

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1.0 INTRODUCTION

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I am delegated authority to approve this temporary urgency change, pursuant to Water Code section 1435(d) and SWRCB Resolution No. 97-006, section 3.2.20.

¹ For a list of permits subject to this Order, see Attachment 1

2.0 SUBSTANCE OF THE PETITION

The DWR and the USBR are requesting that the SWRCB, under Water Code 1435 et seq., temporarily relieve them of the obligation to meet channel water salinity objectives at two western Suisun Marsh stations, S-35 and S-97. Granting their petition would extend their effective date for meeting the salinity objectives at these two stations. In the absence of this Order, the DWR and the USBR would be required to meet the objectives for these two stations in 1998.

3.0 BACKGROUND

Under SWRCB Order WR 95-6, the water rights held by the DWR and the USBR for operation of the State Water Project (SWP) and the Central Valley Project (CVP) require either compliance with salinity objectives for the Suisun Marsh or a demonstration of equivalent or better protection. The Suisun Marsh salinity objectives in Order 95-6 implement some parts of the May 1995 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (1995 Bay-Delta Plan). The objectives establish the maximum monthly average electrical conductivity (EC) levels of both daily high tide EC values (mmhos/cm @ 25°C), for each month during the October through May period. Objectives are established for three locations in the eastern marsh and four locations in the western marsh (see Figure 1). The objectives for the eastern marsh and for stations S-21 and S-42 in the western marsh are currently in effect and are being met.

In July 1995, the DWR, the USBR, the Department of Fish and Game and the Suisun Resource Conservation District began negotiating an update (Amendment Three) to the Suisun Marsh Preservation Agreement (SMPA). The parties have agreed that additional large scale facilities are not needed for salinity control in the Marsh because the Suisun Marsh Salinity Control Gates (SMSCG) are effective in controlling the salinity in most areas of the Suisun Marsh. In lieu of

new large facilities, the parties have proposed a series of management actions which are consistent with the SMPA objectives of (1) improving water and habitat management throughout the marsh, (2) lowering diversion water salinity and soil water salinity on western Marsh managed wetlands, and (3) providing funds to managed wetlands for more intensive management activities during prolonged drought conditions.

The parties are in the final phases of negotiating Amendment Three and expect to execute it within the next several months. Amendment Three requires the parties to the SMPA to carry out a series of twelve management actions to improve water quality and habitat conditions within the managed wetlands of the Marsh. When Amendment Three is executed, the parties will seek SWRCB concurrence that the management actions required by Amendment Three will provide protection to the managed wetlands which is equivalent to or better than that provided by the numeric channel water salinity objectives. Until Amendment Three is executed, the DWR and the USBR allege that they have an urgent need to be relieved temporarily from the requirement to meet the salinity objectives for stations S-35 and S-97.

In summary form, SMPA Amendment Three management actions include:

1. Meeting channel water salinity objectives in Order WR 95-6 for all stations except S-35 and S-97.
2. Conversion of S-35 and S-97 compliance stations to monitoring stations.
3. September operation of SMSCG.
4. A water manager program.
5. Update existing management plans.
6. A joint-use facilities program.
7. Managed wetland improvement fund.
8. Portable diversion pumps with fish screens.
9. Portable drainage pumps.

10. Realign and stabilize Roaring River distribution system turnouts.
11. Drought response fund.

In support of the petition, the DWR submitted a demonstration document which discusses in detail each of the above actions and explains how they would provide equivalent or better protection.

4.0 OBJECTIONS TO THE PETITION

The SWRCB received no objections to renewing the temporary change as proposed.

5.0 CRITERIA FOR APPROVING THE PROPOSED TEMPORARY CHANGE

Chapter 6.6 of part 2, division 2, of the Water Code, commencing at section 1435, provides that any permittee or licensee who has an urgent need to change a point of diversion, place of use, or purpose of use from that specified in the permit or license may petition for a conditional temporary change order. The SWRCB's regulation, at California Code of Regulations, Title 23, section 791(e), provides that the SWRCB shall follow as nearly as possible the procedures for changes in point of diversion, place of use, or purpose of use when processing petitions for other types of changes in water right permits and licenses. Accordingly, the procedures under section 1435 are applicable to changes to water right permits and licenses that the SWRCB approves pursuant to its duty of continuing supervision over the diversion and use of water.

The SWRCB must make the findings specified in section 1435(b) when issuing a temporary change order pursuant to Chapter 6.6. The required findings are:

1. The permittee or licensee has an urgent need to make the proposed change.

2. The proposed change may be made without injury to any other lawful users of water.
3. The proposed change may be made without unreasonable effect upon fish, wildlife, or other instream beneficial uses.
4. The proposed change is in the public interest, including findings to support change order conditions imposed to ensure that the change is in the public interest, and may be made without injury to any other lawful user of the water, and without unreasonable effect upon fish, wildlife, and other instream beneficial uses.

5.1 Urgency of the Proposed Change

Under Chapter 6.6, an urgent need to make a proposed change exists when the SWRCB concludes that the proposed temporary change is necessary to further the constitutional policy that the water resources of the State be put to beneficial use to the fullest extent of which they are capable and that waste of water be prevented. An urgent need does not exist, however, if the petitioner has failed to exercise due diligence either in petitioning for a change pursuant to other provisions of Division 2 of the Water Code or in pursuing the petition for change.

The permittees have an urgent need for the proposed temporary change because without the change the requirement to meet the salinity objectives at stations S-35 and S-97 will be in effect immediately, and the DWR and the USBR will be required to meet the salinity objectives. Meeting the objectives could require the devotion of substantial quantities of water for diluting salinity in the channels of the western Suisun Marsh, and would not provide an opportunity to test some of the management actions. The purpose of meeting the salinity objectives in the channel is to achieve soil water salinities that will support plants characteristic of a brackish marsh. The DWR and the USBR have provided information that indicates that the planned management actions using less water, and using the water more effectively, may achieve the same results as meeting the objectives or will achieve better results, while minimizing the use of fresh water. The DWR

and USBR should be given the opportunity to put this program in place and make the argument that such a program provides benefits equivalent to providing in-channel salinity control.

Water of quality equal to or better than the numeric salinity objectives was available during the winter of 1997-98 at all monitoring and compliance stations due to wet hydrologic conditions without any specific action on the part of DWR or the USBR.

5.2 No injury to Any Other Lawful User of Water

No water right holder has objected to the proposed temporary change, and it does not appear that it will injure any water right holder's use of water. I find that the proposed change will not injure any water right holder's use of water. Impacts on instream beneficial uses, which may also be considered legal users of water to the extent that those uses are protected by the public trust or other legal doctrines, are discussed in section 5.3.

The DWR and USBR will be able to implement some management measures under the authority of the existing SMPA without completing their environmental documentation. The management measures that the permittees intend to implement during the period of the temporary change can be expected to improve the soil salinity conditions, compared with previous conditions, by making better use of the channel water. This should be beneficial to water right holders. The western Suisun Marsh objectives at S-35 and S-97 have never been met through specific water project operations. An additional delay in implementing these objectives developed to protect wildlife resources may or may not provide the expected benefits, but will not cause new injury to other legal users of water.

5.3 No Unreasonable Effect Upon Fish, Wildlife, or Other Instream Beneficial Uses

The salinity objectives for which the compliance requirement will be temporarily lifted are not established for the protection of fish or other instream beneficial

uses, but rather are intended to protect wildlife that use the plants grown in a brackish marsh habitat as a food source. Therefore, extending the date for meeting the salinity objectives will not unreasonably affect fish.

Further, SMSCG operation and its effects on Chinook salmon is not an issue in the proposed temporary change. The proposed change will have no effect on the operation of the gates. DWR has conducted field testing that shows the SMSCG operation has little or no effect on the far western compliance stations. If the DWR and USBR were to attempt compliance through more aggressive SMSCG operation, the impact on migratory fish could be increased.

The proposed change is temporary, and the objectives have not been implemented in the past. In addition, management measures being implemented under the proposal should improve soil salinity conditions in the managed marsh compared to existing conditions. Therefore, with respect to potential impacts on instream beneficial uses other than fish, I find that the change will not have an unreasonable effect on aquatic vegetation or wildlife dependent on that vegetation.

5.4 The Proposed Change is in the Public Interest

The DWR and the USBR are close to executing Amendment Three of the SMPA. The DWR and USBR intend that Amendment Three will establish protection for the beneficial uses in the Suisun Marsh that will be equivalent to, or better than, the protection that would be achieved by meeting the in-channel salinity objectives in the 1995 Bay-Delta Plan at stations S-35 and S-97. The DWR and the USBR, however, need additional time to complete environmental and endangered species requirements before seeking the SWRCB's concurrence in the implementation of Amendment Three. Requiring the DWR and the USBR to meet the salinity objectives at the two stations at this time could require the dedication of a substantial additional amount of fresh water. Allowing them to conduct the management actions during the term of the temporary change instead

of meeting the salinity objectives in the channels will make the most reasonable use of the water supply.

6.0 ENVIRONMENTAL COMPLIANCE

The proposed change is exempt from the California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.) in accordance with Title 14, California Code of Regulations section 15061(b)(3). CEQA applies to those projects which have a potential for causing a significant effect to the environment. If it can be foreseen with certainty that there is no possibility that an activity will have a significant effect on the environment, then the activity is not subject to CEQA. Channel water salinity objectives for the western Suisun Marsh compliance stations S-35 and S-97 have never been in effect. A temporary extension of the effective compliance date creates an environmental condition which is indistinguishable from the pre-project or base condition. Therefore, approval of the proposed petition can cause no change to the environment and is exempt from CEQA.

7.0 CONCLUSIONS

1. The DWR and the USBR have an urgent need to make the proposed temporary change.
2. The proposed temporary change may be made without injury to any other lawful user of water.
3. The proposed temporary change may be made without unreasonable effect upon fish, wildlife, and other instream beneficial uses of water.
4. The proposed temporary change is in the public interest.

ORDER


NOW, THEREFORE, IT IS ORDERED that the DWR's and the USBR's petition for temporary urgency change of their permits listed in Attachment 1, under Water Code section 1435 et seq. is approved, temporarily removing the requirements that the DWR and the USBR meet the channel water salinity objectives at compliance stations S-35 (Goodyear Slough at Morrow Island Clubhouse) and S-97 (Cordelia Slough at Ibis Club), subject to the following terms and conditions.

1. All current terms and conditions of the permits, licenses, and orders issued under Application 5626 and other applications listed in Attachment 1 and related to SWP and CVP operations in the Delta shall remain in effect, except as temporarily modified by the terms and conditions of this Order and any further related Order that may be issued during the effective period of the temporary changes.
2. The temporary change in the requirement to meet the salinity objectives will be effective for a period of 180 days commencing on October 1, 1998, and may be renewed for additional periods not to exceed 180 days from the date of renewal.
3. Not later than June 1, 1999, DWR and USBR shall provide a summary of the results of implementing management measures during the temporary change to the Chief of the Division of Water Rights and to any parties requesting a copy of the summary.
4. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this temporary change Order, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
5. I reserve jurisdiction to supervise the transfer, exchange, and use of water under this Order and to coordinate or modify terms and conditions for the protection of vested

rights; fish, wildlife, instream beneficial uses; and the public interest as future conditions may warrant.

Dated:

AUGUST 14 1998



Harry Schueller, Chief
Division of Water Rights
State Water Resources Control Board

Attachment 1

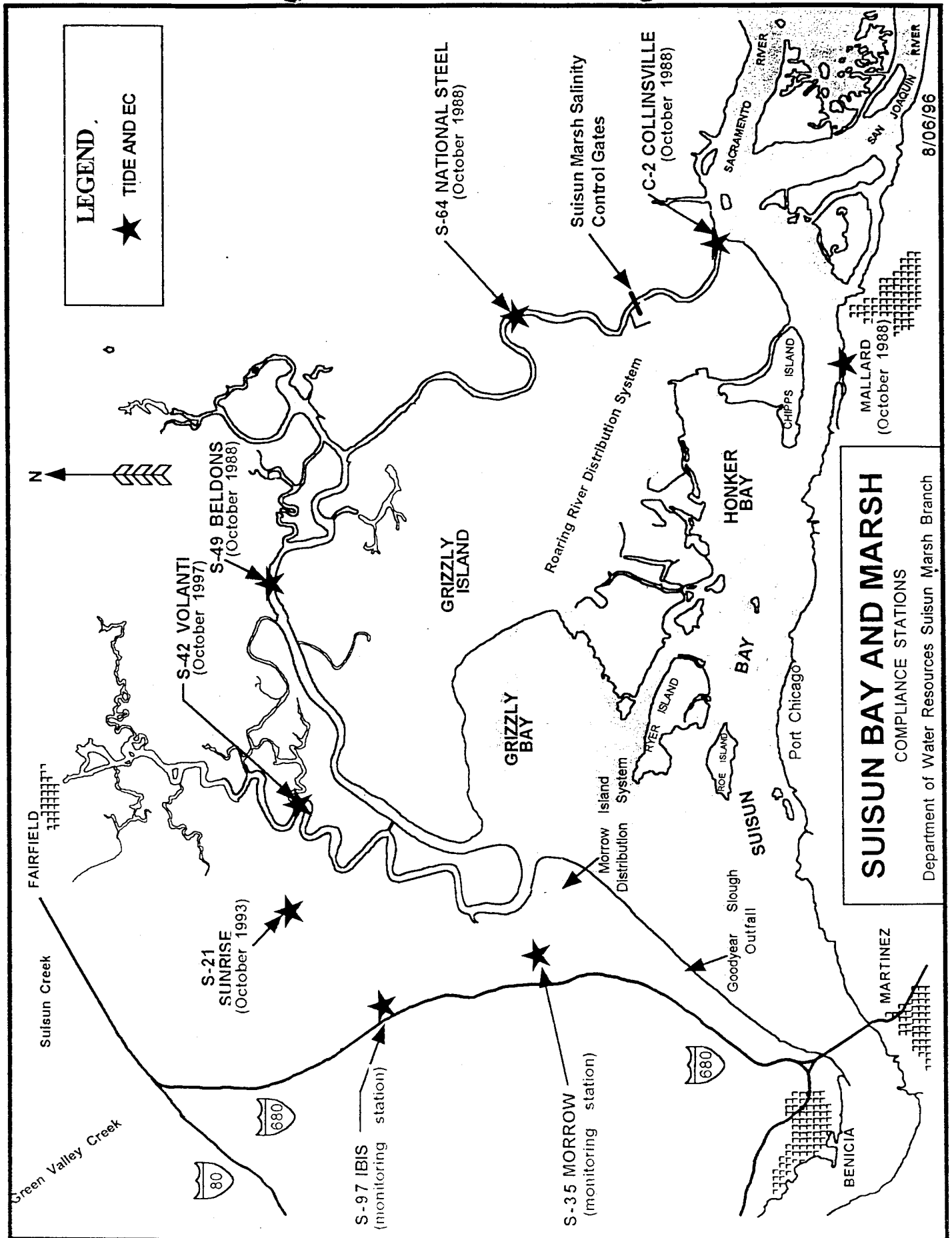
DWR Permits Subject to Order WR 95-6

Application Number	Permit Number
5629	16477
5630	16478
14443	16479
14444	16480
14445A	16481
17512	16482
17514A	16483

USBR Permits Subject to Order WR 95-6

Application Number	Permit Number
5625	12720
5626	12721
5627	11966
5628	11967
9363	12722
9364	12723
9365	12724
9366	12725
9367	12726
9368	12727
13370	11315
13371	11316
13372	11317
14662	11318
15374	11968
15375	11969
15376	11970
15764	12860
16767	11971
16768	11972
17374	11973
18721	16209
18723	16210
21542	15149
21636	16211
21637	16212
22316	15735

Figure 1



APPLICATION 5625, PERMIT 12720

PERMIT AMENDED

SEE WR ORDER 95-6

ISSUED JUNE 8, 1995

P.

12720

SEE ORDER: WR 92-02, DATED MARCH 19, 1992

PERMIT NO. 12720
APPLICATION NO. 5625

SEE DECISION 1485 ISSUED 8-16-78
+ *Order 78-17, 10-13-78*

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 5625 and 26 others PERMIT 12720 and 26 others
(as listed on attached sheet)

LICENSE _____

ORDER ALLOWING EXTENSION OF TIME
TO COMPLY WITH SUISUN MARSH STANDARDS

WHEREAS:

1. Order Condition 7(b) of Decision 1485 requires the permittee to meet specific water quality standards for full protection of the Suisun Marsh by October 1, 1984, as set forth in Table II of the Decision.
2. A petition for an extension of time to comply with the water quality standards for full protection of Suisun Marsh set forth in Order Condition 7(b) and Table II of Decision 1485 was filed by the U. S. Bureau of Reclamation on August 6, 1985.
3. The permittee has proceeded with diligence and good cause has been shown for the extension of time.

NOW THEREFORE, IT IS ORDERED THAT:

1. Order Condition 7(b) of Decision 1485 is superseded in accordance with Order Conditions 2 and 3 below.
2. Permittee shall comply with the water quality standards for full protection of Suisun Marsh set forth in Order Condition 7(a) of Decision 1485 (hereinafter termed standards) in accordance with the following schedule:
 - (a) Permittee shall meet the standards by October 1, 1988 at the following locations:
 - (1) Sacramento River at Collinsville Road in Collinsville (C-2)
 - (2) Montezuma Slough at National Steel (three miles south of Mien's Landing) (S-64)
 - (3) Montezuma Slough near Beldon Landing (0.35 miles east of Grizzly Island Bridge) (S-49)
 - (b) Permittee shall either meet the standards by October 1, 1991 at:
 - (1) Chadbourne Slough at Chadbourne Road (S-21), and
 - (2) Cordelia Slough, 500 feet west of the Southern Pacific crossing at Cygnus (S-33),or meet the standards by October 1, 1993 at:
 - (1) Chadbourne Slough at Chadbourne Road (S-21), and
 - (2) Cordelia Slough at Cordelia-Goodyear Ditch (S-97)
 - (c) Permittee shall either meet the standards by October 1, 1991 at Goodyear Slough at the Morrow Island Clubhouse (S-35), or meet the standards by October 1, 1994 at Goodyear Slough, 1.3 miles south of Morrow Island Ditch (S-75)

(d) Permittee shall meet the standards by October 1, 1997 at:

- (1) Suisun Slough 300 feet south of Volanti Slough (S-42), and
- (2) Water supply intake locations for waterfowl management areas on Van Sickle Island and Chipps Island.

3. Table II of Decision 1485 is amended on page 39 to replace the Suisun Marsh electrical conductivity standards that became effective October 1, 1984 with the following:

BENEFICIAL USE PROTECTED and LOCATION	PARAMETER	DESCRIPTION	YEAR TYPE	VALUES	
FISH AND WILDLIFE					
• SUISUN MARSH				Month	EC in mmhos
- To become effective on October 1, 1988 at: Sacramento River at Collinsville Road in Collinsville (C-2)	Electrical Conductivity (EC)	The monthly average of both daily high tide values not to exceed the values shown (or demonstrate that equivalent or better protection will be provided at the location)	All	Oct.	19.0
Montezuma Slough at National Steel (3 miles south of Mein's Landing) (S-64)				Nov.	15.5
Montezuma Slough near Beldon Landing (0.35 miles east of Grizzly Island Bridge) (S-49)				Dec.	15.5
				Jan.	12.5
				Feb.	8.0
				Mar.	8.0
				Apr.	11.0
				May	11.0
- To become effective either on October 1, 1991 at: Chadbourne Slough at Chadbourne Road (S-21) and Cordelia Slough, 500 feet west of the Southern Pacific crossing at Cygnus (S-33); or on October 1, 1993 at: Chadbourne Slough at Chadbourne Road (S-21) and Cordelia Slough at Cordelia-Goodyear Ditch (S-97)					
- To become effective either on October 1, 1991 at: Goodyear Slough at the Morrow Island Clubhouse (S-35); or on October 1, 1994 at: Goodyear Slough, 1.3 miles south of Morrow Island Ditch (S-75)					
- To become effective on October 1, 1997 at: Suisun Slough, 300 feet south of Volanti Slough (S-42), and Water supply intake locations for waterfowl management areas on Van Sickle Island and Cripps Island.					

4. By January 15 of each year, permittee shall provide, either separately or jointly with California Department of Water Resources, a written report to the Board on its progress toward achieving full compliance with this order.

Lloyd D. Johnson
Lloyd D. Johnson, Interim Chief
Division of Water Rights

Dated DECEMBER 5 1985

ATTACHMENT A

Permits of the United States Bureau of Reclamation:

Permit 12720 (Application 5625)
Permit 12721 (Application 5626)
Permit 11966 (Application 5627)
Permit 11967 (Application 5628)
Permit 12722 (Application 9363)
Permit 12723 (Application 9364)
Permit 12724 (Application 9365)
Permit 12725 (Application 9366)
Permit 12726 (Application 9367)
Permit 12727 (Application 9368)
Permit 11315 (Application 13370)
Permit 11316 (Application 13371)
Permit 11317 (Application 13372)
Permit 11318 (Application 14662)
Permit 11968 (Application 15374)
Permit 11969 (Application 15375)
Permit 11970 (Application 15376)
Permit 12860 (Application 15764)
Permit 11971 (Application 16767)
Permit 11972 (Application 16768)
Permit 11973 (Application 17374)
Permit 16209 (Application 18721)
Permit 16210 (Application 18723)
Permit 15149 (Application 21542)
Permit 16211 (Application 21636)
Permit 16212 (Application 21637)
Permit 15735 (Application 22316)

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 5629 and 6 others PERMIT 16477 and 6 others
(as listed on attached sheet)

LICENSE _____

ORDER ALLOWING EXTENSION OF TIME
TO COMPLY WITH SUISUN MARSH STANDARDS

WHEREAS:

1. Order Condition 7(b) of Decision 1485 requires the permittee to meet specific water quality standards for full protection of the Suisun Marsh by October 1, 1984, as set forth in Table II of the Decision.
2. A petition for an extension of time to comply with the water quality standards for full protection of Suisun Marsh set forth in Order Condition 7(b) and Table II of Decision 1485 was filed by the U. S. Bureau of Reclamation on August 6, 1985.
3. The permittee has proceeded with diligence and good cause has been shown for the extension of time.

NOW THEREFORE, IT IS ORDERED THAT:

1. Order Condition 7(b) of Decision 1485 is superseded in accordance with Order Conditions 2 and 3 below.
2. Permittee shall comply with the water quality standards for full protection of Suisun Marsh set forth in Order Condition 7(a) of Decision 1485 (hereinafter termed standards) in accordance with the following schedule:
 - (a) Permittee shall meet the standards by October 1, 1988 at the following locations:
 - (1) Sacramento River at Collinsville Road in Collinsville (C-2)
 - (2) Montezuma Slough at National Steel (three miles south of Mien's Landing) (S-64)
 - (3) Montezuma Slough near Beldon Landing (0.35 miles east of Grizzly Island Bridge) (S-49)
 - (b) Permittee shall either meet the standards by October 1, 1991 at:
 - (1) Chadbourne Slough at Chadbourne Road (S-21), and
 - (2) Cordelia Slough, 500 feet west of the Southern Pacific crossing at Cygnus (S-33),or meet the standards by October 1, 1993 at:
 - (1) Chadbourne Slough at Chadbourne Road (S-21), and
 - (2) Cordelia Slough at Cordelia-Goodyear Ditch (S-97)
 - (c) Permittee shall either meet the standards by October 1, 1991 at Goodyear Slough at the Morrow Island Clubhouse (S-35), or meet the standards by October 1, 1994 at Goodyear Slough, 1.3 miles south of Morrow Island Ditch (S-75)

(d) Permittee shall meet the standards by October 1, 1997 at:

- (1) Suisun Slough 300 feet south of Volanti Slough (S-42), and
- (2) Water supply intake locations for waterfowl management areas on Van Sickle Island and Chipps Island.

3. Table II of Decision 1485 is amended on page 39 to replace the Suisun Marsh electrical conductivity standards that became effective October 1, 1984 with the following:

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- To become effective on October 1, 1988 at: Sacramento River at Collinsville Road in Collinsville (C-2)	Electrical Conductivity 'EC)	The monthly average of both daily high tide values not to exceed the values shown (or demonstrate that equivalent or better protection will be provided at the location)	All	Oct.	19.0
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				Apr.	11.0
				May	11.0
- To become effective either on October 1, 1991 at: Chadbourne Slough at Chadbourne Road (S-21) and Cordelia Slough, 500 feet west of the Southern Pacific crossing at Cygnus (S-33); or on October 1, 1993 at: Chadbourne Slough at Chadbourne Road (S-21) and Cordelia Slough at Cordelia-Goodyear Ditch (S-97)					
- To become effective either on October 1, 1991 at: Goodyear Slough at the Morrow Island Clubhouse (S-35); or on October 1, 1994 at: Goodyear Slough, 1.3 miles south of Morrow Island Ditch (S-75)					
- To become effective on October 1, 1997 at: Suisun Slough, 300 feet south of Volanti Slough (S-42), and Water supply intake locations for waterfowl management areas on Van Sickle Island and Cripps Island.					

4. By January 15 of each year, permittee shall provide, either separately or jointly with U. S. Bureau of Reclamation, a written report to the Board on its progress toward achieving full compliance with this order.

Lloyd D. Johnson
Lloyd D. Johnson, Interim Chief
Division of Water Rights

Dated **DECEMBER 5 1985.**

DECEMBER 5 1985

ATTACHMENT A

Permits of the Department of Water Resources:

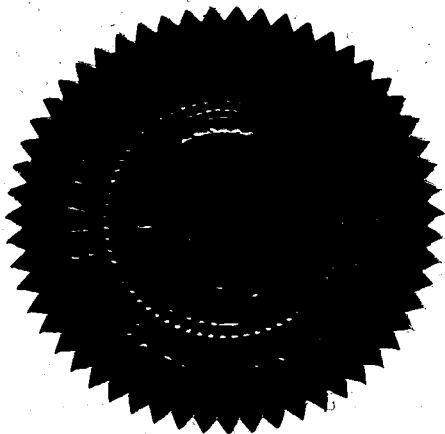
Permit 16477 (Application 5629)
Permit 16478 (Application 5630)
Permit 16479 (Application 14443)
Permit 16480 (Application 14444)
Permit 16481 (Application 14445A)
Permit 16482 (Application 17512)
Permit 16483 (Application 17514A)
Permit 12720 (Application 5625)

The Board finds that no emergency has arisen in the interim requiring imposition of specific permit terms; that additional time for the parties to resolve their problems would not cause injury to any lawful user of water; and that there has been no material change in project operations which would alter the conditions under which salinity incursion is now controlled.

Upon such findings, the Board concludes that the reservation of continuing jurisdiction should be extended.

IT IS HEREBY ORDERED that the State Water Rights Board reserve continuing jurisdiction over permits issued pursuant to Applications 5625, 5626, 9363, 9364, 9365, 9366, 9367, 9368, 10588, and 15764 until further order of the Board, for the purpose of formulating terms and conditions relative to salinity control in the Sacramento-San Joaquin Delta.

Adopted as the order of the State Water Rights Board at a meeting duly called and held in Sacramento, California, on the 23rd day of December, 1965.



Kent Silverthorne
Kent Silverthorne, Chairman

Ralph J. McGill
Ralph J. McGill, Member

W. A. Alexander
W. A. Alexander, Member

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Applications 5625, 5626,
9363, 9364, 9365, 9366, 9367, 9368, 10588,
and 15764,

UNITED STATES OF AMERICA,
BUREAU OF RECLAMATION,

Applicant

SACRAMENTO RIVER AND DELTA WATER
ASSOCIATION, ET AL.,

Protestants

Sources: Sacramento
River, Rock Slough,
Old River, and
Channels of the
Sacramento-
San Joaquin Delta

ORDER EXTENDING TIME IN WHICH
TO FORMULATE TERMS AND CONDITIONS
RELATIVE TO SALINITY CONTROL
PURSUANT TO DECISIONS D 990 AND D 1020

Condition No. 25 of the Board's order under Decision D 990, made on February 9, 1961, and condition No. 9 of the Board's order under Decision D 1020, made on June 30, 1961, reserved continuing jurisdiction over permits issued pursuant to Applications 5625, 5626, 9363, 9364, 9365, 9366, 9367, 9368, 10588, and 15764 until March 1, 1964, or such additional time as may be prescribed by the Board, for the purpose of formulating terms and conditions relative to salinity control in the Sacramento-San Joaquin Delta.

The initial period of three years was considered reasonable in order to allow the United States, the State of California, and the water users in the Delta an opportunity to work out their problems by mutual agreement; or, failing to reach agreement, to provide the Board with information upon which to make such further order as may be necessary and proper relating to salinity control in the Delta.

2-1-80 Name chgd. to U.S. Water+power Res. Service

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

Application No. 5625 Filed July 30, 1927, at 10:40 A. M.
(Applicant must not fill in the above blanks)

APPLICATION TO APPROPRIATE UNAPPROPRIATED WATER
AMENDED APPLICATION RECEIVED 6-18-51

The United States of America, assignee of the above-numbered application for a permit to appropriate the following described unappropriated waters to be used in furtherance of Central Valley Project, California, which project is under the supervision of the United States Bureau of Reclamation, shows:

For the purpose of this application, the post office address of the applicant is United States Bureau of Reclamation, P. O. Box 2511, Sacramento 11, California

Source, Amount, Use and Location of Diversion Works

1. The source of the proposed appropriation is Sacramento River OVER
Give name of stream, lake, etc., if named; if unnamed state nature of source and that it is unnamed
located in Shasta County, tributary to Suisun Bay

2. The amount of water which applicant desires to appropriate under this application is as follows:

(a) For diversion to be directly applied to beneficial use 11,000 cubic feet per
1 cubic foot per second equals 40 statute miner's inches or 646,317 gallons per day
second, to be diverted from January 1 to December 31 of each year.
Beginning date Closing date

(b) For diversion to be stored and later applied to beneficial use 3,190,000 acre-feet
1 acre-foot equals 325,851 gallons
per annum, to be collected between October 1 and July 1 of each season.
Beginning date Closing date

NOTE.—Answer (a) or (b) or both (a) and (b) as may be necessary. If amount under (a) is less than .025 cubic foot per second, state in gallons per day. Neither the amount nor the season may be increased after application is filed. If underground storage is proposed a special supplemental form will be supplied by the State Water Rights Board upon request.

3. The use to which the water is to be applied is Power
Domestic, irrigation, power, municipal, mining, industrial, recreational
purposes.

4. The point of diversion is to be located Shasta Dam Station 0+00 on the axis of Shasta Dam is
State bearing and distance or coordinate distances from section or quarter section corner
S 39° 58' 13" W 1626.41 feet from E $\frac{1}{4}$ corner of Section 15, T33N, R5W, MDB&M,
being within the NE $\frac{1}{4}$ of SE $\frac{1}{4}$
State 40-acre subdivision of public land survey or projection thereof
of Section 15, T. 33N, R. 5W, M.D. B. & M., in the County of Shasta

5. The main conduit terminates in NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 15, T. 33N, R. 5W, M. D. B. & M.
State 40-acre subdivision of U. S. Government survey or projection thereof

Description of Diversion Works

NOTE.—An application cannot be approved for an amount grossly in excess of the estimated capacity of the diversion works.

6. Intake or Headworks (fill only those blanks which apply)

(a) Diversion will be made by pumping from _____
Sump, offset well, unobstructed channel, etc.

(b) Diversion will be by gravity, the diverting dam being Storage Dam feet in height (stream bed to level of overflow); _____ feet long on top; and constructed of _____
(Shasta) Concrete, earth, brush, etc.

(c) The storage dam will be 487 feet in height (stream bed to overflow level); 3460 feet long on top; have a freeboard of 12.5 feet, and be constructed of concrete
Concrete, earth, etc.

7. Storage Reservoir Shasta Reservoir
Name

The storage reservoir will flood lands in T33N to T36N, R1W to R5W, MDB&M inclusive (See accompanying topographic maps)
Indicate section or sections, also 40-acre subdivisions unless shown upon map

It will have a surface area of 29,500 acres, and a capacity of 4,493,000 acre-feet.
In case of insufficient space for answers in form, attach extra sheets at top of page 3 and cross reference.

8. Conduit System (describe main conduits only)

(a) Canal, ditch, flume: Width on top (at water line) _____ feet; width at bottom _____ feet; depth of water _____ feet; length _____ feet; grade _____ feet per 1,000 feet; materials _____

of construction _____

5 Penstocks, each _____

(b) Pipe line: Diameter 15 feet ~~XXXX~~ length 800 feet; grade 610 feet per

1,000 feet; total fall ~~15~~ from intake to outlet 490 feet; kind steel

Riveted steel, concrete, wood-stave, etc.

NOTE.—If a combination of different sizes or kinds of conduit is to be used, attach extra sheets with complete description, also show location of each clearly on map.

9. The estimated capacity of the diversion conduit or pumping plant proposed is 18,000 cubic feet per second

State cubic feet per second or gallons per minute

The estimated cost of the diversion works proposed is \$ 141,200,000

Give only cost of intake, or headworks, pumps, storage reservoirs and main conduits described herein

Completion Schedule

10. Construction work will begin on or before already begun

Construction work will be completed on or before 1950

The water will be completely applied to the proposed use on or before 1960

Description of Proposed Use

11. Place of Use. Shasta Dam Power Plant located on the right abutment of Shasta Dam

State 40-acre subdivisions of the public land survey. If area is unsurveyed indicate the location as if lines of the public land

in NE¹₄ of SW¹₄ of Section 15, T33N, R5W, MDB&M.

survey were projected. In the case of irrigation use state the number of acres to be irrigated in each 40-acre tract, if space permits. If space does not permit listing of all 40-acre tracts, describe area in a general way and show detail upon map.

Do(es) applicant(s) own the land whereon use of water will be made? _____

Yes or No

Jointly? _____

Yes or No

If applicant does not own land whereon use of water will be made, give name and address of owner and state what arrangements have been made with him.

12. Other Rights. Describe all rights except those on file with the State Water Rights Board under which water is served to the above named lands.

Nature of Right (riparian, appropriative, purchased water, etc.)	Year of First Use	Use made in recent years including amount if known	Season of Use	Source of Other Supply
1. _____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____
4. _____	_____	_____	_____	_____

Attach supplement at top of page 3 if necessary.

13. Irrigation Use. The area to be irrigated is _____ acres.

State net acreage to be irrigated

The segregation of acreage as to crops is as follows: Rice _____ acres; alfalfa _____ acres; orchard _____ acres; general crops _____ acres; pasture _____ acres.

NOTE.—Care should be taken that the various statements as to acreage are consistent with each other, with the statement in Paragraph 11, and with the map.

The irrigation season will begin about _____

Beginning date

and end about _____

Closing date

14. Power Use. The total fall to be utilized is 475 feet.

Difference between nozzle or draft tube water level and first free water surface above

The maximum amount of water to be used through the penstock is 18,000 cubic feet per second.

The maximum theoretical horsepower capable of being generated by the works is 972,000 horsepower.

Second feet \times fall \div 8.8

The use to which the power is to be applied is Central Valley Project uses and for distribution and sale.

For distribution and sale or private use, etc.

The nature of the works by means of which power is to be developed is turbines

Turbine, Pelton wheel, etc.

The size of the nozzle to be used is _____ inches.

The water will be returned to Sacramento River

Name stream

in NE¹₄ of SW¹₄ of

State 40-acre subdivision

Sec. 15, T. 33N, R. 5W, M.D. B. & M.

This is to certify that the application of which the foregoing is a true and correct copy has been considered and approved by the State Water Rights Board SUBJECT TO VESTED RIGHTS and the following limitations and conditions:

1. The amount of water to be appropriated shall be limited to the amount which can be beneficially used and shall not exceed 11,000 cubic feet per second by direct diversion to be diverted from January 1 to December 31 of each year, and 3,190,000 acre-feet per annum by storage to be collected from about October 1 of each year to about June 30 of the succeeding year.

2. The total amount of water to be appropriated by storage under permits issued pursuant to Applications 5625, 5626, 9363, 9364 and 9365 shall not exceed 4,493,000 acre-feet per annum.

3. The amount of water which may be appropriated hereunder may in license be reduced if investigation warrants.

4. All rights and privileges under this permit, including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use and unreasonable method of diversion of said water.

5. Construction work shall be completed on or before December 1, 1985.

6. Complete application of the water to the proposed use shall be made on or before December 1, 1990.

7. Progress reports shall be filed promptly by permittee on forms to be provided annually by the State Water Rights Board until license is issued.

8. This permit is subject to compliance with Water Code Section 10504.5(a).

9. The amount of water which may be diverted under this permit shall remain subject to depletion of stream flow above Shasta Dam by the exercise of lawful rights to the use of water for the purpose of development of the counties in which such water originates, whether such rights have been heretofore or may be hereafter initiated or acquired; such depletion shall not exceed in the aggregate 4,500,000

15. Municipal Use. This application is made for the purpose of serving

Name city, village, town or town. Urban areas only

having a present population of

The estimated average daily consumption during the month of maximum use at the end of each five-year period until the full amount applied for is put to beneficial use is as follows:

16. Mining Use. The name of the mining property to be served is

Name of claim

and the nature of the mines is

Gold placer, quartz, etc.

The method of utilizing the water is

It is estimated that the ultimate water requirement for this project will be

Cubic feet per second, gallons per minute. State basis of estimate

The water will be polluted by chemicals or otherwise

Explain nature of pollution, if any

and it will be returned to

Name stream

in

State 40-acre subdivision

of

Sec. , T. , R. B. & M.

17. Other Uses. The nature of the use proposed is

Industrial, recreational, domestic, stockwatering, fish culture, etc.

State basis of determination of amount needed.

Number of persons, residences, area of domestic lawns and gardens, number and kind of stock, type

Industrial use, and unit requirements.

General

18. Are the maps as required by the Rules and Regulations filed with Application? Yes

Yes or No

If not,

state specifically the time required for filing same

19. Does the applicant own the land at the proposed point of diversion? Yes

Yes or No

If not, give name and

address of owner and state what steps have been taken to secure right of access thereto

20. What is the name of the post office most used by those living near the proposed point of diversion?

Redding, Summit City

21. What are the names and addresses of claimants of water from the source of supply below the proposed point of diversion? Diverters along the Sacramento River below Shasta Dam--

See Sacramento-San Joaquin Water Supervision Report for names.

[SIGNATURE OF APPLICANT] /s/ R. S. Calland

Acting Regional Director

Paragraph 2: USE

This application covers the use of the same storage facilities as Applications 5626 and 9364 filed for irrigation purposes and Application 9365 filed for power purposes.

acre-feet of water in any consecutive 10-year period and not to exceed a maximum depletion in any one year in excess of 700,000 acre-feet.

10. The State Water Rights Board reserves continuing jurisdiction over this permit until March 1, 1964, or such additional time as may be prescribed by the Board, for the purpose of formulating terms and conditions relative to salinity control in the Sacramento-San Joaquin Delta. Permittee shall on or before January 1, 1962, and each six months thereafter submit to the Board a written report as to the progress of negotiations relative to agreement between permittee and the State of California and/or the permittee and water users in the Delta and in the Northern Contra Costa County.

11. The Board reserves continuing jurisdiction over this permit for an indefinite period not to extend beyond the date of issuance of license for the purpose of coordinating terms and conditions of this permit with terms and conditions which have been or which may be included in permits issued pursuant to other applications of the United States in furtherance of the Central Valley Project and applications of the State of California in furtherance of the State Water Resources Development System.

12. Upon the request of the Board permittee shall make such measurements and maintain and furnish to the Board such records and information as may be necessary to determine compliance with the terms and conditions of this permit, including the recognition of vested rights and for the further purpose of determining the amount of water placed to beneficial use under this permit, both by direct diversion and storage.

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

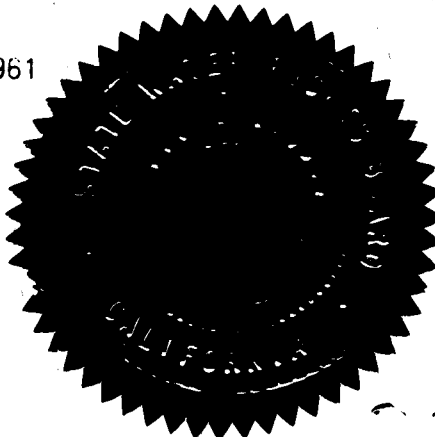
Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: APR 12 1961

STATE WATER RIGHTS BOARD

L. K. Hill
Executive Officer



FORM 61-A

IMPORTANT

[Please Read Carefully]

1. Note the terms and conditions of this permit. Construction work must be prosecuted, and the water applied to the beneficial uses intended with due diligence. Annual reports of progress will be expected from you upon forms which will be furnished for the purpose. When the water has been fully applied to the beneficial uses intended the Water Code requires that you notify the State Water Rights Board thereof.
2. Neither this application nor the permit is a water right, but if the terms and conditions of the permit are observed a water right can be obtained through beneficial use of the water—the extent of the right to be determined by a field inspection which will be made by a representative of the State Water Rights Board.
3. No change in point of diversion, or place of use or character of use, can be made under this application and permit without the approval of the State Water Rights Board.
4. If the rights under this permit are assigned immediate notice to that effect with the name and address of the new owner should be forwarded to the State Water Rights Board, Sacramento, California.
5. Please advise immediately of any change of address. Until otherwise advised communications will be sent to the address used in the letter transmitting this permit.